

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

GREGORY ARTHUR GRAHAM,

Plaintiff,

v.

Hon. Janet T. Neff

LANSING, CITY OF,

Case No. 1:18-cv-01449

Defendant.

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REPORT AND RECOMMENDATION

On April 16, 2019, the Court entered an order setting a Rule 16 Scheduling Conference in this matter for May 14, 2019 (ECF No. 10). On April 17, 2019, a copy of the order was sent to Plaintiff. On May 14, 2019, at the scheduled time for the conference, the court and counsel for Defendant were present but Plaintiff did not appear. After waiting a significant amount of time, the court noted on the record the failure of Plaintiff to appear and stated that an Order to Show Cause would issue. Plaintiff was contacted by phone and stated that he had the date for the conference wrong.

On May 14, 2019, Plaintiff was ordered to appear before Magistrate Judge Ellen S. Carmody on May 28, 2019, at 11:00 AM, to show cause why this matter should not be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court (ECF No. 15). On May 15, 2019, a copy of the order was sent to Plaintiff. Plaintiff was warned that his failure to appear and show adequate cause would result in a report and recommendation that the case be dismissed. Plaintiff did not appear for the show cause hearing on May 28, 2019, nor did he contact the court. After waiting a significant amount of time, the Court

noted on the record the failure of Plaintiff to appear and stated that a report and recommendation that the case be dismissed would issue.

As such, the undersigned hereby recommends that this matter be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. LCivR. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Timely objections to this Report and Recommendation shall be considered plaintiff's opportunity to show cause why this matter should not be dismissed.

Dated: May 29, 2019

/s/ Ellen S. Carmody
ELLEN S. CARMODY
U.S. Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).